

Senate Bill 21

By: Senators Butler of the 55th, Henson of the 41st, Brown of the 26th, Reed of the 35th, Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to the
2 regulation of fire and other hazards to persons and property generally, so as to provide that
3 after July 1, 2005, each new dwelling or dwelling unit shall be equipped with a carbon
4 monoxide detector or alarm; to provide for standards; to provide for enforcement; to provide
5 a penalty; to provide for other related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to the regulation
10 of fire and other hazards to persons and property generally, is amended by inserting at the
11 end thereof a new Code Section 25-2-41 to read as follows:

12 "25-2-41.

13 (a) On and after July 1, 2005, every new dwelling and every new dwelling unit within an
14 apartment building, house, condominium, townhouse, motel, hotel, or dormitory shall be
15 equipped with a carbon monoxide detector or alarm which bears the label of a nationally
16 recognized testing laboratory approved by the state fire marshal and which complies with
17 the most recent Underwriters Laboratories Inc. (UL) Standard 2034 or its equivalent.

18 (b)(1) The provisions of this Code section may be enforced by local building and fire
19 code officials in the case of residential buildings which are not covered by Code Section
20 25-2-13; provided, however, that this Code section shall not establish a special duty on
21 said officials to inspect such residential facilities for compliance with this Code section;
22 provided, further, that inspections shall not be conducted for the purpose of determining
23 compliance with this Code section absent reasonable cause to suspect other building or
24 fire code violations. The jurisdiction enforcing this Code section shall retain any fines
25 collected pursuant to this subsection.

1 (2) Any occupant who fails to maintain a carbon monoxide detector or alarm in a
2 dwelling, dwelling unit, or other facility listed in subsection (a) of this Code section in
3 good working order as required in this Code section shall be subject to a maximum fine
4 of \$25.00, provided that a warning shall be issued for a first violation.

5 (c) Failure to maintain a carbon monoxide detector in good working order in a dwelling,
6 dwelling unit, or other facility listed in subsection (a) of this Code section in violation of
7 this Code section shall not be considered evidence of negligence, shall not be considered
8 by the court on any question of liability of any person, corporation, or insurer, shall not be
9 any basis for cancellation of coverage or increase in insurance rates, and shall not diminish
10 any recovery for damages arising out of the ownership, maintenance, or occupancy of such
11 dwelling, dwelling unit, or other facility listed in subsection (a) of this Code section."

12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.